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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,755	11/03/2000	Hideaki Furukawa	35.C10563 REI	4371

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EXAMINER	
PAN, DANIEL H	
ART UNIT	**PAPER NUMBER**
2183	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/704,755	FURUKAWA, HIDEAKI	
	Examiner	Art Unit	
	Daniel Pan	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *138-158* is/are pending in the application.

4a) Of the above claim(s) *1-137* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *138-158* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 November 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 08/413,432.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. Claims 138-158 are presented for examination. Claims 1-137 have been canceled.

2. Claims 1-145, 146-149 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. No information can be found in the specification that enable one of ordinary skill in the art to use the feature of specifying means for, if said determination means determines that the print count value counted by the print counting means reaches the predetermined value, specifying the trouble count value counted by the trouble counting means until the print count value reaches the predetermined value.

3. As to claims 146-149, no information in the specification can be found that is enabling one of ordinary skill in the art to make or use the memory medium storing computer executable code for the method as set forth in claim 146.

4. Claims 138-145 , 146-149 are rejected under 35 U.S.C. 251 as being based upon new matter added to the patent for which reissue is sought. The added material which is not supported by the prior patent is as follows:

5. The claims presented in the reissue application are not described in the original patent specification and not enabled by the original patent specification such that 35 U.S.C. 112 first paragraph is satisfied (see "112" discussions set forth above)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 138-151 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (4,206,996) in view of Suzuki (5,270,775).

7. As to claim 138-140, 142-144, 146-148, 150, Clark taught at least :
a) print counting means [original counter unit 220] for counting a print count value indicating a number of prints in response to delivery of a print sheet printed by the printed (see the count of sheets being copied in col.15, lines 60-68);

b) trouble counting means (jam counter 250) for counting a trouble count value [jam copies] indicating a number of print troubles of the printer (see col.16, lines 15-30);

c) determination means for determining whether or not the print count value counted by the print counting means [220] reaches a predetermined value (see the determination for incrementing the count of original counter unit 220 in col.15, lines 47-68, col.16, lines 10-14);

d) specifying means for, if said determination means determines that the print count value counted by the print counting means reaches the predetermined value (see col.16, lines 10-14), specifying the trouble count value counted by the trouble counting means [jam counter 250] until the print count value reaches the predetermined value (see how the jam does occur in col.16, lines 15- 36);

e) initialization if determining that the print count reaches a predetermined value, initializing the trouble count value without accepting a manual operation by the user

(see how jam counter is reset in col.16, lines 5-9, lines 28-30)

8. Clark did not specifically show the transmission control for controlling transmission of trouble data including the trouble count value specified by said specifying means to the information processing apparatus via the network as clamed. However, Suzuki taught the transmission control for controlling transmission of trouble data including the trouble count value (management data, see col.4, lines 1-25 for the number of paper jamming for purpose of management) to the information processing apparatus via the network (col.1, lines 53-68, see the collected data supplied to the host in col.9, lines 16-42, seecol.4, lines 1-25, col.5, lines 1-see col.4, lines 1-25 for the number of paper jamming, see copy machine as recording apparatus in col.1, lines 12-22 for background teaching). It would have been obvious to one of ordinary skill in the art to use Suzuki in Clark for including network transmission of the trouble count as clamed because the use of Suzuki could provide Clark the ability to expand the system connection to a greater number of workstations or terminals, and one of ordinary skill in the art should be able to recognize the network of Suzuki could be applicable into the printer system of Clark in order to provided the enhanced system connectivity, and since no specific network type has been reflected into the claim, one of ordinary skill in the art should be able to recognize the advantages of network application of Suzuki in general into Clark for achieving the expanded network connection of the Clark's printer machine..

9. As to claims 141, 145,149, since no specific details of digital copier is being recited into the claim, examiner holds that digital copier had been known in the art at the time the clamed invention was made.

10. As to the display in claim 150, see Suzuki's fig.1 [44] display.

11. Claims 152-158 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakahara et al. (5,172,244) in view of Sakata (4,905,098).

12. As to claims 152, Nakahara disclosed at least:

a) a print update means for updating for each process a print count value indicating number of print (see fig.8B $20 SET NUMBER, see col.6, lines 9-39);

b) a trouble update means for updating for each print trouble (trouble indication in col.3, lines 55-64);

c) transmission control means (see fig.8B [s32,s31] for transmitting trouble data (e.g. print mode such as plotter number ps, number of copies) without a request until the print count reaches a predetermined value (s25) to a predetermined one of at least higher class apparatus [px] (see fig.8A sl0 for higher apparatus in order px+l, see the transmission of mode data into the selected plotter ps in fig.8B, see co1.6, lines 40-66, col.7,m lines 1-27);

13. d) initialization the trouble count (see trouble indication in col.3, lines 55-64);

14. e) reception means for receiving trouble data (see the flag indicating jam in col.6, lines 55-66);

15. f) displaying control means for comparison between the print count (see co1.3, lines 55- 64).

16. Nakahara did not specifically show his trouble data (see co1.3, lines 60-65) included a number of troubles as claimed. Nakahara showed the pint count and updated count (see the set number and count number in co1.3, lines 56-64, col.6, lines 9-39). However, Sakata disclosed a system including a trouble count (see the jam counter in co1.11, lines 18-34). It would have been obvious to one of ordinary skill in the art to use Sakata in Nakahara for including the number of troubles as claimed because the use of Sakata could provide Nakahara the ability to process the number of prints based on an additional condition in order to track the number of prints with the number of the

troubled copies, such as the jammed paper, thereby increasing the processing adaptability of Nakahara, and it could be readily achieved by predefining the jam counter of Sakata with modified counter parameter (e.g. the counter port) into Nakahara so the jam counter could be recognized by Nakahara to achieve the enhanced adaptability.

17. As to claims 139, 143, 147, Nakahara also initialized his print count (see fig.8B).

18. As to claim 148, Nakahara also included unique information (see the plotter number ps).

19. As to claims 151,153, Nakahara also included a selecting means for selecting one of the apparatuses (see the automatic selection of idle plotter in col.6, lines 50-68, col.7, lines 1-21).

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
a) Kusumoto et al. (5,012,281) is cited for the teaching of the jam monitor (fig.4, see also col.8, lines 10-31).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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